

CERTIFIED COURT REPORTERS LICENSING ACT

Part 1 - General Provisions

58-74-101. Title.

This chapter is known as the "Certified Court Reporters Licensing Act."

58-74-102. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Board" means the Certified Court Reporters Licensing Board created in Section 58-74-201.
- (2) "Certified Shorthand Reporter" means any person licensed under this chapter who is engaged in the practice of shorthand reporting.
- (3) "Certified court reporter" means any person who engages in the practice of court reporting who is:
 - (a) a shorthand reporter certified by the National Court Reporters Association; or
 - (b) a voice reporter certified by the National Verbatim Reporters Association.
- (4) "Certified Voice Reporter" means any person licensed under this chapter who engages in the practice of voice reporting.
- (5) "Official Court Reporter" means a certified shorthand reporter employed by the courts.
- (6) "Official Court Transcriber" means a person certified in accordance with the rules of the Judicial Council as competent to transcribe into written form an audio or video recording of court proceedings.
- (7) "Practice of court reporting" means the making of a verbatim record of any trial, legislative public hearing, state agency public hearing, deposition, examination before trial, hearing or proceeding before any grand jury, referee, board, commission, master or arbitrator, or other sworn testimony given under oath.
- (8) "Practice of shorthand reporting" means the practice of making a verbatim record, using symbols or abbreviations.
- (9) "Practice of voice reporting" means the practice of making a verbatim record, using voice writing.
- (10) "Voice writing" means the making of a verbatim record of the spoken word by means of repeating the words of the speaker into a device capable of either digital translation into English text or creation of a tape or digital recording.
- (11) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-74-501.
- (12) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-74-502 and as may be further defined by rule.

Part 2 - Board

58-74-201. Board.

- (1) There is created the Certified Court Reporters Licensing Board consisting of four persons licensed in accordance with this chapter and engaged as court reporters within this state continuously for at least five years previous to appointment and one member of the general public.
- (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- (3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a permanent or rotating basis to:

- (a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
 - (b) advise the division in its investigation of these complaints.
- (4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer of an administrative proceeding concerning the complaint.

Part 3 - Licensing

58-74-301. Licensure required.

- (1) A license is required to engage in the practice of court reporting.
- (2) The division shall issue to any person who qualifies under this chapter a license to practice as a certified court reporter.

58-74-302. Qualifications for licensure.

- (1) Each applicant for licensure as a certified court reporter under this chapter shall:
 - (a) be at least 18 years of age;
 - (b) be a citizen of the United States;
 - (c) submit an application in a form prescribed by the division;
 - (d) pay a fee determined by the department under Section 63J-1-504;
 - (e) possess a high degree of skill and ability in the art of court reporting;
 - (f) produce satisfactory evidence of good moral character; and
 - (g) submit evidence that they have completed and passed the Registered Professional Reporter Examination of the National Court Reporters Association or the Certified Verbatim Reporter Examination of the National Verbatim Reporters Association.
- (2) Any person granted a certificate to practice as a certified shorthand reporter may use the abbreviation "C.S.R." as long as the person's certificate is current and valid.
- (3) Any person granted a certificate to practice as a certified voice reporter may use the abbreviation "C.V.R." as long as the person's certificate is current and valid.

58-74-303. Term of license - Expiration - Renewal.

- (1) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule. The division may by rule extend or shorten a renewal cycle by as much as one year to stagger the renewal cycles it administers.
- (2) Each licensee shall, at the time of applying for renewal, demonstrate compliance with continuing education requirements established by the division in collaboration with the board.
- (3) Each license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.

Part 4 - License Denial and Discipline

58-74-401. Grounds for denial of license - Disciplinary proceedings.

Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on

probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Sections 58-1-401 and 78A-2-404.

Part 5 - Unprofessional Conduct - Penalties

58-74-501. Unlawful conduct.

- (1) It is unlawful for any person not licensed in accordance with this chapter to assume the title or use the abbreviation C.S.R. or C.V.R. or any other similar words, letters, figures, or abbreviation to indicate that the person using that title or abbreviation is a certified court reporter.
- (2) Violation of this provision is a class A misdemeanor.

58-74-502. Unprofessional conduct.

"Unprofessional conduct" includes:

- (1) conduct unbecoming a person licensed as a certified court reporter or which is detrimental to the interests of the public;
- (2) willful or negligent betrayal or disclosure of confidential information about which the licensee becomes knowledgeable as a result of or incidental to his practice as a licensee;
- (3) false or deceptive representation of a licensee's skills, competence, capability, or resources as a certified court reporter;
- (4) offering, undertaking, or agreeing to undertake an assignment as a certified court reporter for which the licensee is not qualified, for which the licensee cannot complete the assignment in a timely manner, or for which the licensee does not have the resources to complete the assignment as agreed in a professional manner;
- (5) the use of any chemical, drug, or alcohol in any unlawful manner or in any manner which negatively affects the ability of the licensee to competently practice as a certified court reporter;
- (6) willfully and intentionally making any false or fraudulent record in the performance of his duties as a certified court reporter;
- (7) any conduct contrary to the recognized standards and ethics of the profession of a certified court reporter;
- (8) gross incompetence in practice as a certified court reporter;
- (9) violation of any provision of this chapter, Section 78A-2-404, or rules promulgated to regulate the practice of court reporters;
- (10) conviction of a felony or any other crime which is considered by the board to represent activity detrimental to the public interest as that interest is reflected in the licensee continuing to practice as a certified court reporter; or
- (11) attesting to or "signing off" on the transcript of any recorded proceeding unless that proceeding was recorded by that person while physically present at the proceeding or was personally transcribed by that person from an electronically recorded process.

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